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Crl.OP.No.3468 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3468 of 2023

B.Rajeshwaran

... Petitioner

Vs.

1.State Represented by
The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai – 600 007.

2.The Inspector of Police,
R-3, Ashok Nagar Police Station,
Ashok Nagar,
Chennai.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the 2nd respondent not to harass the petitioner in any manner.

For Petitioner : Mr.S.Kingston Jerold
For Respondents : Mr.S.Santhosh
Government Advocate(Crl.side)



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ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent not to harass the petitioner in any manner.

2.The learned counsel for the petitioner submitted that petitioner's mother is Amirthavalli and father is one Baskaran. Petitioner's mother owned house property. Petitioner has one sister named Srimathi. Petitioner has got 1/3 share in the property of his mother. However, at the instigation of his sister, the Inspector of Police, R-3 Ashok Nagar Police station, Ashok Nagar, Chennai, had forced the petitioner to vacate the house in door No.6/3, Jubilee Road, West Mambalam, Chennai-600 033 and handover the key within two days and got a letter dated 07.02.2023 from the petitioner. The respondent has no right to interfere with in the civil matter. Therefore, this petition is filed.

3.In response, the learned Government Advocate (Criminal Side) submitted that one Baskaran gave a complaint against the petitioner alleging that after the death of his wife, he was thrown out of aforesaid house by the



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petitioner. It is also alleged that petitioner had stolen jewels from the house. On the basis of the complaint a case in C.S.R.No.53 of 2023 dated 08.02.2023 was registered and enquiry is pending.

4.One Mr.Jim Raj, the learned counsel appeared and submitted that he wants to file impleading petition on behalf of Mrs.Grace, the grand mother of the petitioner. He further submitted that Mrs.Grace is the owner of the disputed property. However, in the nature of the order that is going to be passed, this Court is of the view that impleading of Mrs.Grace is not necessary.

5.It is the grievance of the petitioner that the respondent police has been harassing him under the guise of an enquiry/investigation and hence, has invoked the inherent powers of this Court under Section 482 of Cr.P.C.

6.In the present case in hand, the petitioner has complained of harassment by the police based on a complaint and seek for this Court's intervention by way of a direction. The term 'harassment' by itself has a very wide meaning and hence, what could be harassment to the petitioner may not be the same to the



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police officer.

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7. In order to meet such situations, the following guidelines are issued:

a) While summoning any person named in the complaint or any witness to the incident complained of, the police officer shall summon such person through a written summon under Section 160 Cr.P.C., specifying a particular date and time for appearing before them for such an enquiry/investigation.

b) The respondent police is directed to serve summons mentioning the CSR number, date of complaint and the name of the complainant.

c) The minutes of the enquiry shall be recorded in the general diary/station diary/daily diary of the police station.

d) The police officer shall refrain himself or herself from harassing persons called upon for enquiry/investigation.

e) The guidelines stipulated for preliminary enquiry or registration of FIR by the Hon'ble Supreme Court in *Lalita Kumari Vs. Government of Uttar*



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Pradesh and others [2014 (2) SCC (1)] shall be strictly adhered to.

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8. With the above observations and direction, the Criminal Original
Petition stands disposed of.

15.02.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order
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To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai – 600 007.

2. The Inspector of Police,
R-3, Ashok Nagar Police Station,
Ashok Nagar,
Chennai.

3. The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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